STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

July 25, 2016

Mr. Joe Phelps
Manager Environmental Controls
e-copy: joe.phelps@cn.ca
Illinois Central RR, Harrison Yard
100 Cook Avenue
Fulton, KY 42041

Subject: **Draft of NPDES Permit No. TN0077941**
Illinois Central Railroad - Harrison Yard
Memphis, Shelby County, Tennessee

Dear Mr. Phelps:

Enclosed please find a draft copy of the NPDES Permit No. TN0077941 which the Division of Water Resources proposes to issue. This draft copy is furnished to you solely for your review of its provisions. No wastewater discharges are authorized by this modified permit. The issuance of an official modified permit is contingent upon your meeting all of the requirements of the Tennessee Water Quality Control Act and the Rules and Regulations of the Tennessee Water Quality, Oil and Gas Board.

Also enclosed is a copy of the public notice that announces our intent to issue this permit. The notice affords the public an opportunity to review the draft permit and, if necessary, request a public hearing on this issuance process. If you disagree with the provisions and requirements contained in the draft permit, you have thirty (30) days from the date of this correspondence to notify the division of your objections. If your objections cannot be resolved, you may appeal this permit upon issuance. This appeal should be filed in accordance with Section 69-3-110 of the Tennessee Code Annotated.

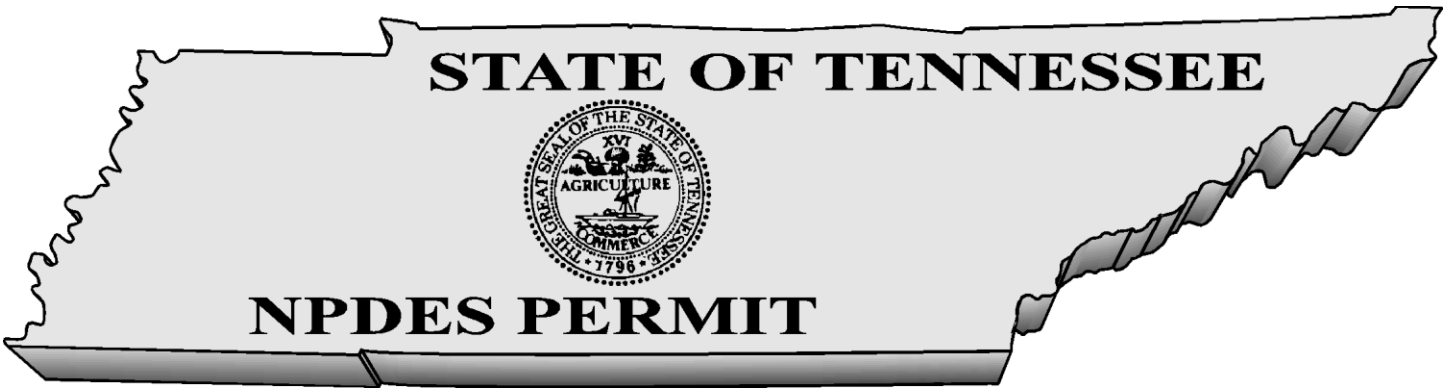
If you have questions, please contact the Memphis Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Jim McAdoo at (615) 532-0684 or by E-mail at *Jim.McAdoo@tn.gov*.

Sincerely,

Vojin Janjić
Manager, Water-Based Systems

Enclosure

cc: Permit Section File
Memphis Environmental Field Office
Mr. Gary Schwartz, Environmental Maintenance Technician, Illinois Central RR, Harrison Yard, gary.schwartz@cn.ca



No. TN0077941

Authorization to discharge under the
National Pollutant Discharge Elimination System (NPDES)

Issued By

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger: **Illinois Central Roilroad - Harrison Yard**

Is authorized to discharge: **industrial storm water runoff from Outfall 601**

From a facility located at: **2921 Horn Lake Road, Memphis, Shelby County, Tennessee**

To receiving waters named: **unnamed tributary at mile 0.5 to Nonconnah Creek at mile 2.1**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on:

This permit shall expire on:

Issuance date:

Draft

For Tisha Calabrese Benton
Director

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PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Illinois Central Roilroad - Harrison Yard is authorized to discharge industrial storm water runoff from Outfall 601 to unnamed tributary at mile 0.5 to Nonconnah Creek at mile 2.1.

These discharges shall be limited and monitored by the permittee as specified below:

Description : External Outfall, Number : 601, Monitoring : Effluent Gross, Season : All Year

Code	Parameter	Qualifier	Value	Unit	Sample Type	Frequency	Statistical Base
00310	BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Monthly Average
00310	BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Daily Maximum
00400	pH	Report	-	SU	Grab	Monthly	Daily Maximum
00400	pH	Report	-	SU	Grab	Monthly	Daily Minimum
00530	Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Daily Maximum
00530	Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Monthly Average
00556	Oil & Grease	<=	15	mg/L	Grab	Monthly	Daily Maximum
45613	Floating solids or visible foam-visual	Report	-	Y=1;N=0	Visual	Monthly	Value
50050	Flow	Report	-	Mgal/d	Estimate	Monthly	Daily Maximum
50050	Flow	Report	-	Mgal/d	Estimate	Monthly	Monthly Average

Unless elsewhere specified, summer months are May through October; winter months are November through April.

Additional monitoring requirements and conditions applicable to Outfall 601 include:

There shall be no distinctly visible floating solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life.

The wastewater discharge shall not contain pollutants in quantities that will be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Sludge or any other material removed by any treatment works must be disposed of in a manner, which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

Qualified facility personnel shall be identified to inspect equalization basin and oil/water separator on a weekly basis. All other designated equipment shall be inspected by the qualified facility personnel on a quarterly basis. The following areas shall be included in all inspections: storage area for vehicles and equipment awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoors and outdoors), material storage areas, vehicle and equipment cleaning areas, and loading and unloading areas. Follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained. The use of a checklist should be considered by the facility.

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act." (40 C.F.R. 125.98(b)(1))

B. MONITORING PROCEDURES

1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the monitored discharge, and shall be taken after treatment and prior to mixing with uncontaminated storm water runoff or the receiving stream.

2. Sampling Frequency

The permittee should mark the 'No Discharge' box on the Discharge Monitoring Report form only if a permitted outfall does not discharge at any time during the monitoring period. If the outfall discharges effluent at any time during the monitoring period, the permittee must provide at least one sampling result from the effluent of that outfall.

3. Test Procedures

a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required.

b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

In instances where permit limits established through implementation of applicable water criteria are below analytical capabilities, compliance with those limits will be determined using the detection limits described in the TN Rules, Chapter 0400-40-03-.05(8).

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The exact person(s) collecting samples;

c. The dates and times the analyses were performed;

d. The person(s) or laboratory who performed the analyses;

e. The analytical techniques or methods used, and;

f. The results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer, if requested by the Division of Water Resources.

C. DEFINITIONS

For the purpose of this permit, ***Annually*** is defined as a monitoring frequency of once every twelve (12) months beginning with the date of issuance of this permit so long as the following set of measurements for a given 12 month period are made approximately 12 months subsequent to that time.

A ***bypass*** is defined as the intentional diversion of waste streams from any portion of a treatment facility.

A ***calendar day*** is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight to midnight time period.

Cooling water means water used for contact or non-contact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises.

Cooling water intake structure means the total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the United States. The cooling water intake structure extends from the point at which water is first withdrawn from waters of the United States up to, and including the intake pumps***.***

Actual Intake Flow (AIF) means the average volume of water withdrawn on an annual basis by the cooling water intake structures over the past three years.

Design intake flow (DIF) means the value assigned during the cooling water intake structure design to the maximum instantaneous rate of flow of water the cooling water intake system is capable of withdrawing from a source waterbody.

Entrainment- means the incorporation of all life stages of fish and shellfish with intake water flow entering and passing through a cooling water intake structure and into a cooling water system.

Impingement- means the entrapment of all life stages of fish and shellfish on the outer part of an intake structure or against a screening device during periods of intake water withdrawal.

The ***Daily Maximum Amount***, is a limitation measured in pounds per day (lb/day), on the total amount of any pollutant in the discharge by weight during any calendar day.

The ***Daily Maximum Concentration*** is a limitation on the average concentration, in milligrams per liter (mg/L), of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

"Degradation" means the alteration of the properties of waters by the addition of pollutants, withdrawal of water, or removal of habitat, except those alterations of a short duration.

"***De Minimis***" - Degradation of a small magnitude, as provided in this paragraph.

(a) Discharges and withdrawals

1. Subject to the limitation in part 3 of this subparagraph, a single discharge other than those from new domestic wastewater sources will be considered de minimis if it uses less than five percent of the available assimilative capacity for the substance being discharged.
2. Subject to the limitation in part 3 of this subparagraph, a single water withdrawal will be considered de minimis if it removes less than five percent of the 7Q10 flow of the stream.
3. If more than one activity described in part 1 or 2 of this subparagraph has been authorized in a segment and the total of the authorized and proposed impacts uses no more than 10% of the assimilative capacity, or 7Q10 low flow, they are presumed to be de minimis. Where the total of the authorized and proposed impacts uses 10% of the assimilative capacity, or 7Q10 low flow, additional degradation may only be treated as de minimis if the Division finds on a scientific basis that the additional degradation has an insignificant effect on the resource.

(b) Habitat alterations authorized by an Aquatic Resource Alteration Permit (ARAP) are de minimis if the Division finds that the impacts, individually and cumulatively are offset by impact minimization and/or in-system mitigation, provided however, in ONRWs the mitigation must occur within the ONRW.

Discharge or "discharge of a pollutant" refers to the addition of pollutants to waters from a source.

Dry Weather Flow shall be construed to represent discharges consisting of process and/or non-process wastewater only.

An ***ecoregion*** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables.

The ***geometric mean*** of any set of values is the n^{th} root of the product of the individual values where "n" is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For the purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

A ***Grab Sample***, for the purposes of this permit, is defined as a single effluent sample of at least 100 milliliters (sample volumes <100 milliliters are allowed when specified per standard methods, latest edition) collected at a randomly selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

The ***Instantaneous Concentration*** is a limitation on the concentration, in milligrams per liter (mg/L), of any pollutant contained in the discharge determined from a grab sample taken at any point in time.

The ***monthly average amount*** shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

The ***monthly average concentration***, other than for *E. coli* bacteria, is the arithmetic mean of all the composite or grab samples collected in a one-calendar month period.

A ***one week period*** (or ***calendar-week***) is defined as the period from Sunday through Saturday. For reporting purposes, a calendar week that contains a change of month shall be considered part of the latter month.

Pollutant means sewage, industrial wastes, or other wastes.

A **Qualifying Storm Event** is one which is greater than 0.1 inches and that occurs after a period of at least 72 hours after any previous storm event with rainfall of 0.1 inches or greater.

For the purpose of this permit, a ***Quarter*** is defined as any one of the following three month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31.

A ***rainfall event*** is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

A ***rationale*** (or "fact sheet") is a document that is prepared when drafting an NPDES permit or permit action. It provides the technical, regulatory and administrative basis for an agency's permit decision.

A ***reference site*** means least impacted waters within an ecoregion that have been monitored to establish a baseline to which alterations of other waters can be compared.

A ***reference condition*** is a parameter-specific set of data from regional reference sites that establish the statistical range of values for that particular substance at least-impacted streams.

For the purpose of this permit, ***Semi-annually*** means the same as "once every six months." Measurements of the effluent characteristics concentrations may be made anytime during a 6 month period beginning from the issuance date of this permit so long as the second set of measurements for a given 12 month period are made approximately 6 months subsequent to that time, if feasible.

A ***subecoregion*** is a smaller, more homogenous area that has been delineated within an ecoregion.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

The term, ***washout*** is applicable to activated sludge plants and is defined as loss of mixed liquor suspended solids (MLSS) of 30.00% or more from the aeration basin(s).

Waters means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

The ***weekly average amount***, shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar week when the measurements were made.

The ***weekly average concentration***, is the arithmetic mean of all the composite samples collected in a one-week period. The permittee must report the highest weekly average in the one-month period.

Wet Weather Flow shall be construed to represent storm water runoff which, in combination with all process and/or non-process wastewater discharges, as applicable, is discharged during a qualifying storm event.

D. ACRONYMS AND ABBREVIATIONS

1Q10 – 1-day minimum, 10-year recurrence interval
30Q5 – 30-day minimum, 5-year recurrence interval
7Q10 – 7-day minimum, 10-year recurrence interval
BAT – best available technology economically achievable
BCT – best conventional pollutant control technology

BDL – below detection level
BOD_5 – five day biochemical oxygen demand
BPT – best practicable control technology currently available
$CBOD_5$ – five day carbonaceous biochemical oxygen demand
CEI – compliance evaluation inspection
CFR – code of federal regulations
CFS – cubic feet per second
CFU – colony forming units
CIU – categorical industrial user
CSO – combined sewer overflow
DMR – discharge monitoring report
D.O. – dissolved oxygen
E. coli – Escherichia coli
EFO – environmental field office
LB(lb) - pound
IC_{25} – inhibition concentration causing 25% reduction in survival, reproduction and growth of the test organisms
IU – industrial user
IWS – industrial waste survey
LC_{50} – acute test causing 50% lethality
MDL – method detection level
MGD – million gallons per day
MG/L(mg/l) – milligrams per liter
ML – minimum level of quantification
ml – milliliter
MLSS – mixed liquor suspended solids
MOR – monthly operating report
NODI – no discharge
NOEC – no observed effect concentration
NPDES – National Polluant Discharge Elimination System
PL – permit limit
POTW – publicly owned treatment works
RDL – required detection limit
SAR – semi-annual [pretreatment program] report
SIU – significant industrial user
SSO – sanitary sewer overflow
STP – sewage treatment plant
TCA – Tennessee code annotated
TDEC – Tennessee Department of Environment and Conservation
TIE/TRE – toxicity identification evaluation/toxicity reduction evaluation
TMDL – total maximum daily load
TRC – total residual chlorine
TSS – total suspended solids
WQBEL – water quality based effluent limit

E. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly using Discharge Monitoring Report (DMR) forms supplied by the Division of Water Resources. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A completed DMR with an original signature shall be submitted to the following address:

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
COMPLIANCE & ENFORCEMENT SECTION
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

A copy of the completed and signed DMR shall be mailed to the Memphis Environmental Field Office (EFO) at the following address:

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, Tennessee 38133

A copy should be retained for the permittee's files. In addition, any communication regarding compliance with the conditions of this permit must be sent to the two offices listed above.

The first DMR is due on the 15th of the month following permit effectiveness.

DMRs and any other information or report must be signed and certified by a responsible corporate officer as defined in 40 CFR 122.22, a general partner or proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

The electronic submission of DMR data will be accepted only if formally approved beforehand by the division. For purposes of determining compliance with this permit, data approved by the division to be submitted electronically is legally equivalent to data submitted on signed and certified DMR forms.

2. Additional Monitoring by Permittee

If the permittee monitors any pollutant specifically limited by this permit more frequently than required at the location(s) designated, using approved analytical methods as specified

herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form. Such increased frequency shall also be indicated on the form.

3. Falsifying Results and/or Reports

Knowingly making any false statement on any report required by this permit or falsifying any result may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

4. Outlier Data

Outlier data include analytical results that are probably false. The validity of results is based on operational knowledge and a properly implemented quality assurance program. False results may include laboratory artifacts, potential sample tampering, broken or suspect sample containers, sample contamination or similar demonstrated quality control flaw.

Outlier data are identified through a properly implemented quality assurance program, and according to ASTM standards (e.g. Grubbs Test, ‘h’ and ‘k’ statistics). Furthermore, outliers should be verified, corrected, or removed, based on further inquiries into the matter. If an outlier was verified (through repeated testing and/or analysis), it should remain in the preliminary data set. If an outlier resulted from a transcription or similar clerical error, it should be corrected and subsequently reported.

Therefore, only if an outlier was associated with problems in the collection or analysis of the samples and as such does not conform with the Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR §136), it can be removed from the data set and not reported on the Discharge Monitoring Report forms (DMRs). Otherwise, all results (including monitoring of pollutants more frequently than required at the location(s) designated, using approved analytical methods as specified in the permit) should be included in the calculation and reporting of the values required in the DMR form. You are encouraged to use “comment” section of the DMR form (or attach additional pages), in order to explain any potential outliers or dubious results.

F. SCHEDULE OF COMPLIANCE

Full compliance and operational levels shall be attained from the effective date of this permit.

PART II

A. GENERAL PROVISIONS

1. Duty to Reapply

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of the Division of Water Resources (the "Director") no later than 180 days prior to the expiration date. Such applications must be properly signed and certified.

2. Right of Entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;

b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and

c. To sample at reasonable times any discharge of pollutants.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources. As required by the Federal Act, effluent data shall not be considered confidential.

4. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

b. Dilution water shall not be added to comply with effluent requirements to achieve BCT, BPT, BAT and/or other technology-based effluent limitations such as those in State of Tennessee Rule 0400-40-05-.09.

5. Treatment Facility Failure

The permittee, in order to maintain compliance with this permit, shall control production, all discharges, or both, upon reduction, loss, or failure of the treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

8. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

B. CHANGES AFFECTING THE PERMIT

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

2. Permit Modification, Revocation, or Termination

a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), as amended.

b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

d. The filing of a request by the permittee for a modification, revocation, reissuance, termination, or notification of planned changes or anticipated noncompliance does not halt any permit condition.

3. Change of Ownership

This permit may be transferred to another party (provided there are neither modifications to the facility or its operations, nor any other changes which might affect the permit limits and conditions contained in the permit) by the permittee if:

a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Pursuant to the requirements of 40 CFR 122.61, concerning transfer of ownership, the permittee must provide the following information to the division in their formal notice of intent to transfer ownership: 1) the NPDES permit number of the subject permit; 2) the effective date of the proposed transfer; 3) the name and address of the transferor; 4) the name and address of the transferee; 5) the names of the responsible parties for both the transferor and transferee; 6) a statement that the transferee assumes responsibility for the subject NPDES permit; 7) a

statement that the transferor relinquishes responsibility for the subject NPDES permit; 8) the signatures of the responsible parties for both the transferor and transferee pursuant to the requirements of 40 CFR 122.22(a), “Signatories to permit applications”; and, 9) a statement regarding any proposed modifications to the facility, its operations, or any other changes which might affect the permit limits and conditions contained in the permit.

4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

C. NONCOMPLIANCE

1. Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate regional Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The regional Field Office should be contacted for names and phone numbers of environmental response personnel).

A written submission must be provided within five calendar days of the time the permittee becomes aware of the circumstances, unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

i. A description of the discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. Sanitary Sewer Overflow

a. "***Sanitary Sewer Overflow***" means the discharge to land or water of wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls.

b. Sanitary Sewer Overflows are prohibited.

c. The permittee shall operate the collection system so as to avoid sanitary sewer overflows. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic sanitary sewer overflows (greater than 5 events per year) or would otherwise overload any portion of the system.

d. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic overflow point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the regional TDEC Field Office. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.

e. In the event that more than five (5) sanitary sewer overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of the actions identified in this paragraph, the permittee may request a meeting with the Division of Water Resources field office staff to petition for a waiver based on mitigating evidence.

4. Upset

a. "***Upset***" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly

designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

iii. The permittee submitted information required under "Reporting of Noncompliance" within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and

iv. The permittee complied with any remedial measures required under "Adverse Impact."

5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6. Bypass

a. "***Bypass***" is the intentional diversion of wastewater away from any portion of a treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypasses are prohibited unless the following 3 conditions are met:

i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There are not feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if

adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment down-time or preventative maintenance;

iii. The permittee submits notice of an unanticipated bypass to the Division of Water Resources in the appropriate environmental assistance center within 24-hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the Director, if possible, at least 10 days before the date of the bypass.

c. Bypasses not exceeding limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

7. Washout

a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.

b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Resources in the appropriate regional Field Office within 24-hours by telephone. A written submission must be provided within 5 days. The washout must be noted on the discharge monitoring report. Each day of a washout is a separate violation.

D. LIABILITIES

1. Civil and Criminal Liability

Except as provided in permit conditions for "**Bypass,**" "**Overflow,**" and "**Upset,**" nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

PART III

OTHER REQUIREMENTS

A. TOXIC POLLUTANTS

The permittee shall notify the Division of Water Resources as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

    a. One hundred micrograms per liter (100 ug/l);

    b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

    c. Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application in accordance with 122.21(g)(7); or

    d. The level established by the Director in accordance with 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

    a. Five hundred micrograms per liter (500 ug/l);

    b. One milligram per liter (1 mg/L) for antimony;

    c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 122.21(g)(7); or

    d. The level established by the Director in accordance with 122.44(f).

B. REOPENER CLAUSE

If an applicable standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(B)(2), and 307(a)(2) and that effluent standard or limitation is more stringent than any

effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

C. PLACEMENT OF SIGNS

Within sixty (60) days of the effective date of this permit, the permittee shall place and maintain a sign(s) at each outfall and any bypass/overflow point in the collection system. For the purposes of this requirement, any bypass/overflow point that has discharged five (5) or more times in the last year must be so posted. The sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an examples of the minimal amount of information that must be included on the sign:

TREATED INDUSTRIAL WASTEWATER
Illinois Central Roilroad - Harrison Yard
(Permittee's Phone Number)
NPDES Permit NO. TN0077941
TENNESSEE DIVISION OF WATER RESOURCES
1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - Memphis

INDUSTRIAL STORM WATER RUNOFF
Illinois Central Roilroad - Harrison Yard
(Permittee's Phone Number)
NPDES Permit NO. TN0077941
TENNESSEE DIVISION OF WATER RESOURCES
1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - Memphis

D. ANTIDEGRADATION

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06, titled “Tennessee Antidegradation Statement,” which prohibits the degradation of exceptional Tennessee waters and the increased discharges of substances that cause or contribute to impairment, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

PART IV

BEST MANAGEMENT PRACTICES CONDITIONS

A. GENERAL CONDITIONS

For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act, oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the Act. The permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes the potential for, the release of pollutants (including oil and grease) from *ancillary activities*, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State of Tennessee through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

B. GENERAL REQUIREMENTS

The BMP program shall:

1. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps;

2. Establish specific objectives for the control of toxic and hazardous pollutants:

    a. Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the State of Tennessee due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.;

    b. Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances to result in significant amounts of toxic or hazardous pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of toxic or hazardous pollutants which could be discharged from the facility as a result of each condition or circumstance;

3. Establish specific best management practices to meet the objectives identified under section B.2., addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the State of Tennessee;

4. The BMP program:

a. May reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the Act and Title 40 CFR part 112, and may incorporate any part of such plans into the BMP program by reference;

b. Shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) (40 U.S.C. §6901, et. seq.). Management practices required under RCRA regulations shall be expressly incorporated into the BMP program; and,

c. Shall address the following points for the ancillary activities listed in section A.1.:

i. Statement of policy;
ii. Spill Control Committee: responsible for BMP program implementation and subsequent review and updating;
iii. Material inventory: identification of all sources and quantities of toxic and hazardous substances handled or produced, including plant drawings and plot plans, materials flow diagrams, physical, chemical, toxicological, and health information on toxic and hazardous substances, and investigation and evaluation of new materials;
iv. Material compatibility: evaluation of process changes or revisions for materials compatibility, review of properties of chemicals handled and materials of construction, evaluation of means of chemical disposal and incompatibility, cleansing of vessels and transfer lines, and use of proper coatings and cathodic protection on buried pipelines if required;
v. Employee training: meetings to be held at frequent intervals, spill drills, adequate job training, transmission of information on past spills and causes, informing employees of BMP program components, training in cleanup procedures, and review and interface with safety program;
vi. Reporting and notification procedures: maintenance of records of spills through formal reports for internal review, notification as required by law to governmental and environmental agencies in the event of a spill, and procedures for notifying the appropriate plant personnel;
vii. Visual inspections: routine inspections with visual observations of storage facilities, transfer pipelines, and loading and unloading areas, detailed inspections of pipes, pumps, valves, fittings, tank corrosion, tank support and foundation deterioration, etc.;
viii. Preventive maintenance: identification of equipment and systems to which the preventive maintenance program should apply, periodic inspection and testing of such equipment and systems, appropriate adjustment, repair, or replacement of parts, and maintenance of preventive maintenance records;

ix. Good housekeeping: neat and orderly storage of chemicals, prompt removal of small spillage, regular garbage pickup, maintenance of dry and clean floors, proper pathways and walkways, minimum accumulation of liquid and solid chemicals on the ground or floor in a building, and stimulation of employee interest in good housekeeping;
x. Security: plant patrols, fencing, good lighting, traffic control, controlled access where appropriate, visitor passes, locked entrances, locks on drain valves and pumps for chemical storage tanks, and television monitoring.

Note: Additional technical information on BMPs and the elements of a BMP program is contained in EPA publications entitled "Guidance Manual for Developing Best Management Practices (BMP)" (EPA 833-B-93-004) and "Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA 832-R-92-006).

C. DOCUMENTATION

The permittee shall maintain the BMP plan at the facility and shall make the plan available to the permit issuing authority upon request.

D. BMP PLAN MODIFICATION

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility, which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

E. MODIFICATION FOR INEFFECTIVENESS

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under section B, the permit shall be subject to modification pursuant to 40 CFR 122.62 or 122.63 to incorporate revised BMP requirements. Any such permit modification shall be subject to review in accordance with the procedures for permit appeals set forth in accordance with 69-3-110, Tennessee Code Annotated.

F. COMPLIANCE SCHEDULE

Unless the permittee is otherwise authorized by the division in writing, the BMP Plan shall be completed as follows:

The plan shall be developed and available for review on the effective date of the permit.

PART V

STORM WATER POLLUTION PREVENTION PLAN

The discharger will develop, document and maintain a storm water pollution prevention plan (SWPPP) pursuant to the requirements as set forth in the Tennessee Multi-Sector General Permit for Industrial Activities, Sector P, “Storm Water Discharges Associated With Industrial Activity From Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities”, Part 3, “Storm Water Pollution Prevention Plan Requirements”. The plan shall be signed by either a principal executive officer of a corporation, the owner or proprietor of a sole proprietorship, or a partner or general partner of a partnership. The SWPPP developed and implemented shall contain, in addition to the requirements listed in the Tennessee Multi-Sector SWPPP guidelines for Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities, the following items:

A. PLAN IMPLEMENTATION

The plan should be developed and available for review within 30 days after permit coverage. Facilities should implement the management practices as soon as possible, but not later than one year after permit coverage. Where new construction is necessary to implement the management plan, a construction schedule should be included. Construction should be completed as soon as possible.

B. PLAN AVAILABILITY

The plan will be maintained by the discharger on the site or at a nearby office. Copies of the plan will be submitted to the Division of Water Resources within ten business days of any request.

C. PLAN MODIFICATION

The plan will be modified as required by the director of the Division of Water Resources.

D. MONITORING PLAN

The storm water discharges will be monitored as required in Part I. Section A., Effluent Limits and Monitoring Requirements, applicable to storm water outfalls. For each outfall monitored, the surface area and type of cover, for example, roof, pavement, grassy areas, gravel, will be identified.

ATTACHMENT I

Illinois Central Roilroad - Harrison Yard
NPDES Permit TN0077941

Storm Water Pollution Prevention Plan Requirements

Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

Drainage—A site map indicating the pattern of storm water drainage, existing structural control measures to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, and locations where major spills or leaks identified under Spills and Leaks of this permit have occurred since 3 years prior to the date of the submission of an application to be covered under this permit. The map must also indicate the locations of all industrial activities that are exposed to precipitation, including, but not limited to: loading/unloading areas; vehicle fueling; vehicle and equipment maintenance and/or cleaning areas; waste treatment, storage and disposal locations; liquid storage tanks; vents and stacks from cooking, drying, and similar operations, dry product vacuum transfer lines; animal holding pens; spoiled product and broken product container storage areas; significant dust or particulate generating areas; and any other processing and storage areas

exposed to storm water. Flows with a significant potential for causing erosion shall also be identified. In addition, the site map must identify monitoring locations. In addition, the map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

Inventory of Exposed Materials—An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of an application to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

Spills and Leaks—A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.

Sampling Data—A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

Summary of Potential Pollutant Sources—The description of potential pollutant sources culminates in a narrative assessment of the risk potential that the industrial activities, materials, and physical features of the site, as identified in drainage, pose to storm water quality. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, oil and grease, etc.) of concern shall be identified.

In addition to food and kindred products processing-related industrial activities, the plan must also describe application/storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides, and others) used on plant grounds, including a description of pest control application and chemical storage practices.

Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

Good Housekeeping—Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

Preventive Maintenance—A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to

uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

Spill Prevention and Response Procedures—Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Areas that must be identified should include loading/unloading stations, outdoor storage areas, and waste management areas exposed to storm water. The plan should be considered where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

Inspections—In addition to the comprehensive site evaluation required under this section, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility. At a minimum, the following areas, where the potential for exposure to storm water exists, must be inspected on a regularly scheduled basis: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained. Based on the results of the inspection, the description of potential pollutant sources and pollution prevention measures and controls identified in the plan shall be revised as appropriate within 2 weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the inspection.

Employee Training—Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping, material management practices, unloading/loading practices, outdoor storage areas, waste management practices, pest control, and improper connections to the storm sewer. At a minimum, this training must be provided annually. The pollution prevention plan shall identify frequencies and approximate dates for such training.

Recordkeeping and Internal Reporting Procedures—A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Ineffective BMPs must be recorded and the date of their corrective actions noted in the plan.

Non-storm Water Discharges

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with

Part 7.7 of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Resources in accordance with section Failure to Certify, below, of this permit.

Sources of non-storm water that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. Any non-storm water discharges that are not authorized under this permit or another NPDES permit should be brought to the attention of the division's local Environmental Field Office.

If the facility discharges wastewater, other than storm water via an existing NPDES permit, a copy of the NPDES permit authorizing the discharge must be attached to the plan. Similarly, if the facility submitted an application for an NPDES permit for non-storm water discharges, but has not yet received that permit, a copy of the permit application must be attached. Upon issuance or reissuance of an NPDES permit, the facility must modify its plan to include a copy of that permit.

Failure to Certify—Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the Division of Water Resources by not later than 180 days after submitting to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State which are not authorized by an NPDES permit are unlawful and must be terminated.

Sediment and Erosion Control—The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

Management of Runoff—The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity [see Part Description of Potential Pollutant Sources of this permit] shall be considered when determining reasonable and appropriate measures. Appropriate measures or equivalent measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Where compliance evaluation schedules overlap with inspections required under this section, the compliance evaluation may be conducted in place of one such inspection. Such evaluations shall provide:

Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part Description of Potential Pollutant Sources of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph Measures and Controls of this permit shall be revised as appropriate within 2 weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the inspection.

A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with the permit shall be made and retained as part of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part Signatory Requirement of this permit.

The storm water pollution prevention plan must describe the scope and content of the comprehensive site evaluations that qualified personnel will conduct to 1) confirm the accuracy of the description of potential sources contained in the plan, 2) determine the effectiveness of the plan, and 3) assess compliance with the terms and conditions of the permit. The individual or individuals who will conduct the evaluations must be identified in the plan and should be members of the pollution prevention team, as identified in the Pollution Prevention Team section.

RATIONALE

Illinois Central Roilroad - Harrison Yard
NPDES PERMIT NO. TN0077941
Memphis, Shelby County, Tennessee

Permit Writer: Mr. Jim McAdoo

I. DISCHARGER

Illinois Central Roilroad - Harrison Yard
2921 Horn Lake Road
Memphis, Shelby County, Tennessee
Site Latitude: 35.0691; Longitude: -90.0697

Official Contact Person:
Mr. Joe Phelps
Manager Environmental Controls
(270) 472-4670

Nature of Business:
Active rail yard for locomotive fueling, servicing, rail car repair, railroad marshaling, and hopper car cleaning facility.

SIC Code(s):	
Industrial Classification:	**Secondary w/o ELG**
Discharger Rating:	**Minor**

II. PERMIT STATUS

Issued September 30, 2011
Expired October 31, 2016
Application for renewal received May 04, 2011

Watershed Scheduling

Environmental Field Office: Memphis
Primary Outfall Latitude: 35.0691; Longitude: -90.0697
Hydrocode: 08010211 Watershed Group: 1
Watershed Identification: Nonconnah
Target Reissuance Year: 2021

III. FACILITY DISCHARGES AND RECEIVING WATERS

Illinois Central Roilroad - Harrison Yard discharges industrial storm water runoff from Outfall 601 to unnamed tributary at mile 0.5 to Nonconnah Creek at mile 2.1. Appendix 1 summarizes facility discharges and the receiving stream information for Outfalls 002, 003 and 601.

IV. APPLICABLE EFFLUENT LIMITATIONS GUIDELINES

There are no EPA effluent guidelines for the discharges from this facility. Standards of performance are therefore established in accordance with existing state regulations using available treatability information.

V. PREVIOUS PERMIT LIMITS AND MONITORING REQUIREMENTS

Appendix 2 lists the permit limitations and monitoring requirements as defined in the previous permit.

VI. HISTORICAL MONITORING AND INSPECTION

During the previous permit term, Illinois Central Roilroad - Harrison Yard did not have any appreciable difficulty in meeting requirements in the previous permit. Appendix 3 summaries any violations from the Discharge Monitoring Reports for the previous permit term. No violations were noted.

During the previous permit term, the Division's personnel from the Memphis Environmental Field Office did not performed a Compliance Evaluation Inspection (CEI) of the Illinois Central Roilroad - Harrison Yard. However, a CEI was conducted immediately prior to the issuance of the previous permit. The CEI was performed by Ms Maylynne Wilbert on July 13, 2011. The inspection report described the facility as "In compliance".

VII. NEW PERMIT LIMITS AND MONITORING REQUIREMENTS

The Standard Industrial Code for the permittee is 4011 which is listed in the Tennessee Multi-Sector General Permit for Industrial Activities, Sector P, "Storm Water Discharges Associated With Industrial Activity From Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities". While there are no monitoring requirements for facilities listed in Sector P, the permit writer retained the select parameters and monitoring frequencies from the previous permit of flow, biological oxygen demand, total suspended solids, oil and grease and pH.

Proposed provisions in the permit for storm water discharges are taken from the Tennessee Storm Water Multi-Sector General Permit for Industrial Activities, which include a storm water pollution prevention plan and, for some industries, storm water monitoring for industry-specific pollutants. Any limits are based on EPA storm water effluent guidelines, if

applicable, or by way of the permit writer's best professional judgment of other technology-based limit. If the technology-based limit will allow violations of water quality instream, then a lower, water-quality-based limit is applied. Furthermore, effluent limitations in this permit must comply with any approved Total Maximum Daily Load (TMDL) studies. Note that in general, the term "anti-backsliding" refers to a statutory provision that prohibits the renewal, reissuance, or modification of an existing NPDES permit that contains effluents limits, permit conditions, or standards that are less stringent than those established in the previous permit.

Flow

Monitoring of flow quantifies the load of pollutants to the stream. Flow shall be reported in Million Gallons per Day (MGD) and monitored at the time of sample collection.

Oil and Grease

The division has determined that an oil and grease limitation is needed for this facility because of the potential of contamination from spills, leaks and other industrial activities present at the site. The technology-based limit for oil and grease is 15 mg/l as a daily maximum concentration. This level can be accomplished where oil/water separators are maintained, kept clean and are not overloaded. There should be less reliance upon the oil/water separator as a solution and a greater reliance upon good management, operation and housekeeping practices to restrict pollution.

According to the State of Tennessee Water Quality Standards for the protection of Fish & Aquatic Life [Chapter 0400-40-03-.03(3) (c)], there shall be no distinctly visible solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life in the receiving stream.

The permit writer is retaining technology-based limits for oil and grease of 15 mg/L as a daily maximum concentration. In addition, the permit will contain language prohibiting visible floating scum, oil or other matter in the wastewater discharge. Sample type will be grab.

Considering a sample measurement frequency (once per month) and a definition of the Monthly Average Concentration (see Part I, Section C: *Definitions*), only the Daily Maximum Concentration for Oil and Grease of 15 mg/L will be retained.

Total Suspended Solids (TSS)

Report Only with the same monitoring frequency as the previous permit will be retained for Total Suspended Solids. Considering the nature of wastewater collection and discharge system, the sample type will be grab.

pH

According to the State of Tennessee Water Quality Standards [Chapter 0400-40-03-.03(3) (b)], the pH for the protection of Fish and Aquatic Life shall lie within the range of 6.0 to 9.0 and shall not fluctuate more than 1.0 unit in this range over a period of 24-hours. Considering that the receiving stream will provide some buffering capacity, effluent limitation for pH will be retained in a range 6.0 to 9.0. The sample type will be grab.

The division recognizes that a “first flush” sample would be the most accurate representation of the maximum daily value for various pollutants in the storm water runoff. Furthermore, storm water sampling requirements included in the TMSP require analysis of grab samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. Therefore, the sample type for all storm water runoff parameters in the new permit will be changed from “composite” to “grab.” Every effort should be made to collect a “first flush” sample representative of the daily maximum values for sampled parameters.

The new permit will contain a Storm Water Pollution Prevention Plan (SWPPP) developed to regulate storm water runoff. This SWPPP is meant to ensure that runoff from the facility site is not a significant source of pollution to the receiving stream. The discharger will m, document and maintain the SWPPP pursuant to the requirements as set forth in the Tennessee’s Storm Water Multi-Sector General Permit for Industrial Activities, Sector P, “*Storm Water Discharges Associated With Industrial Activity From Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities*”, Part 3, “Storm Water Pollution Prevention Plan Requirements”, as included in the ATTACHMENT I of this permit. The effectiveness of this SWPPP will be investigated after the results of the storm water runoff monitoring have been submitted. At that time, should the results so dictate, the division maintains the authority to institute specific numeric limitations for the monitored parameters.

IX. ANTIDEGRADATION

Tennessee’s Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06. It is the purpose of Tennessee’s standards to fully protect existing uses of all surface waters as established under the Act.

Stream determinations for this permit action are associated with the waterbody segment identified by the division as segment ID# TN0801021100711_1000.

The division has made a water quality assessment of the receiving waters associated with the subject discharge(s) and has found the receiving stream to be neither an exceptional nor outstanding national resource water. However, the receiving stream assessment is “not supporting” for Fish and Aquatic and Recreation designated uses, as shown below:

Cause Name	Source Name	Attainment Description	Use Description
Oxygen, Dissolved	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Not Supporting	Fish and Aquatic Life

Physical substrate habitat alterations	Channelization	Not Supporting	Fish and Aquatic Life
Sedimentation/Siltation	Channelization	Not Supporting	Fish and Aquatic Life
Sedimentation/Siltation	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Not Supporting	Fish and Aquatic Life
Phosphorus (Total)	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Not Supporting	Fish and Aquatic Life
Chlordane	Contaminated Sediments	Not Supporting	Recreation
Dioxin (including 2,3,7,8-TCDD)	Contaminated Sediments	Not Supporting	Recreation
Escherichia coli	Discharges from Municipal Separate Storm Sewer Systems (MS4)	Not Supporting	Recreation
Polychlorinated biphenyls	Contaminated Sediments	Not Supporting	Recreation
-	-	Fully Supporting	Irrigation
-	-	Fully Supporting	Livestock Watering and Wildlife

Additional EPSCs and other advanced SWPPP requirements were incorporated in the permit to ensure full protection of the receiving streams. The division, therefore, considers the potential for degradation to the receiving stream from these discharges to be negligible.

TMDLs have been developed and approved for this waterbody segment on the following parameters and dates:

Parameter	TMDL Approval Date
Chlordane, Dioxins, & Polychlorinated Biphenyls (PCBs)	2009
E. coli	2011

The proposed terms and conditions of this permit comply with the wasteload allocations of these TMDLs.

X. PERMIT DURATION

The proposed limitations meet the requirements of Section 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act as amended. It is the intent of the division to organize the future issuance and expiration of this particular permit such that other permits located in the same watershed and group within the State of Tennessee will be set for issuance and expiration at the same time. In order to meet the target reissuance date for the Nonconnah watershed and following the directives for the Watershed Management Program initiated in January, 1996, the permit will be issued to expire in 2021.

APPENDIX 1

FACILITY DISCHARGES AND RECEIVING WATERS

FACILITY DISCHARGES AND RECEIVING WATERS

OUTFALL: 601	
LATITUDE	LONGITUDE
35.069167	-90.069722

FLOW (MGD)	DISCHARGE SOURCE
Variable	Industrial Strom Water Runoff
Variable	**TOTAL DISCHARGE**

RECEIVING STREAM DISCHARGE ROUTE			
unnamed tributary to Nonconnah Creek at mile 2.1			
STREAM LOW FLOW (CFS) *	7Q10	1Q10	30Q5
	0.0	0.0	0.0
(MGD)	0.0	0.0	0.0

STREAM USE CLASSIFICATIONS (WATER QUALITY)				
FISH & AQUATIC LIKE	RECREATION	IRRIGATION	LIVESTOCK & WILDLIFE	DOMESTIC WATER SUPPLY
X	X	X	X	
INDUSTRIAL	NAVIGATION			

Treatment: Chemical oxidation, chemical precipitation, sedimentation,aerated lagoons, flocculation, ammonia stripping

* Reference: USGS Web page: http://water.usgs.gov/osw/streamstats/tennessee.html

APPENDIX 2

PREVIOUS PERMIT LIMITS AND MONITORING REQUIREMENTS

Previous permit 2011-2016 (Outfall 601)

Parameter	Qualifier	Value	Unit	Sample Type	Frequency	Statistical Base
BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Monthly Average
BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Daily Maximum
Floating solids or visible foam-visual	Report	-	Y=1;N=0	Visual	Monthly	Value
Flow	Report	-	Mgal/d	Estimate	Monthly	Daily Maximum
Flow	Report	-	Mgal/d	Estimate	Monthly	Monthly Average
Oil & Grease	<=	15	mg/L	Grab	Monthly	Daily Maximum
Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Monthly Average
Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Daily Maximum
pH	Report	-	SU	Grab	Monthly	Daily Maximum
pH	Report	-	SU	Grab	Monthly	Monthly Average

APPENDIX 3

Violation History

NPDES ID(s): TN0077491

State: TN

Major/Minor Indicator: minor

Violation Date: 11/01/2011 - 07/12/2016

Violation Type(s):

Environmental Protection Agency

Integrated Compliance Information System

Violations Report

Created Date: 09/15/2010

Refresh Date: 07/12/2016

Report Version 1.4, Modified: 3/29/2016

Permittee Name:	**Primary SIC Code:**	**Permit Issued:**
Permittee Address:	**Primary SIC Desc:**	**Permit Effective:**
Major/Minor Indicator:	**Primary NAICS Code:**	**Permit Expired:**
Compliance Track. Status:	**Primary NAICS Desc:**	**Permit Status:**
DMR Non Receipt Flag:	**Cognizant Official:**	
RNC Tracking Flag:	**Receiving Body:**	

Facility Information

Facility Name:	**County:**	**FRS ID:**
Facility Location:	**Region:**	**Federal Facility Ownership:**
	State-Region:	**Type of Ownership:**

APPENDIX 4

NEW PERMIT LIMITS AND MONITORING REQUIREMENTS

New Permit Limits

Description : External Outfall, Number : 601, Monitoring : Effluent Gross, Season : All Year

Code	Parameter	Qualifier	Value	Unit	Sample Type	Frequency	Statistical Base
00310	BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Monthly Average
00310	BOD, 5-day, 20 C	Report	-	mg/L	Grab	Monthly	Daily Maximum
00400	pH	Report	-	SU	Grab	Monthly	Monthly Average
00400	pH	Report	-	SU	Grab	Monthly	Daily Maximum
00530	Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Daily Maximum
00530	Total Suspended Solids (TSS)	Report	-	mg/L	Grab	Monthly	Monthly Average
00556	Oil & Grease	<=	15	mg/L	Grab	Monthly	Daily Maximum
45613	Floating solids or visible foam-visual	Report	-	Y=1;N=0	Visual	Monthly	Value
50050	Flow	Report	-	Mgal/d	Estimate	Monthly	Daily Maximum
50050	Flow	Report	-	Mgal/d	Estimate	Monthly	Monthly Average

JCM
TN0077941.doc